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VIA ECF

Hon. Ona T. Wang
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

RE: *The New York Times Co. v. Microsoft Corp., et al.*, No. 1:23-cv-11195

Dear Honorable Ona T. Wang:

On behalf of OpenAI (and with the consent of The New York Times ("The Times")), I write to inform you of three developments since the parties filed their Joint Letter and Proposed Agenda on September 9, 2024. *See* Dkt. No. 241 ("Agenda").

First, through continued conferral, the parties have reached an agreement resolving their disputes concerning several of the RFPs at issue in The Times's Letter Motion to Compel production of documents re: six RFPs. *See* Dkt. No. 141 (outlined at Agenda Ex. A § II.A.1.e; Agenda Ex. B § III.B.3). Accordingly, the parties no longer require Court intervention regarding RFP Nos. 5, 12, 13, and 15. However, the parties remain at an impasse as to RFP Nos. 6 and 11.

Second, The Times has narrowed its Motion to Compel additional custodians from OpenAI (Dkt. No. 204) from eleven requested custodians to eight. *See* Agenda Ex. A § II.A.1.h; Agenda Ex. B § III.B.5. The three proposed custodians no longer at issue for this motion are: Chris Berner, Alex Gray, and Bianca Martin.

Third, The Times and Defendants have agreed to a Source Code Order. A joint stipulation and proposed Order will be filed shortly.

Respectfully,

/s/ Allyson R. Bennett
Allyson R. Bennett